

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES P. SCANLAN on his own : CIVIL ACTION
behalf and all others similarly :
situated, et al. :
: v. :
: :
AMERICAN AIRLINES GROUP, INC., :
et al. : NO. 18-4040

ORDER

AND NOW, this 6th day of April, 2022, for the reasons set forth in the foregoing memorandum, it is hereby ORDERED that:

- (1) The motion of defendants American Airlines, Inc. ("American") and American Airlines Group, Inc. ("AAG") to amend the class definition (Doc. #136) is GRANTED.
- (2) The class definition as set forth in this court's October 8, 2021 memorandum and order (Docs. #124-125) is VACATED. A class of American Airlines, Inc. pilots is certified as follows:
 - (a) For Count I, the court certifies a subclass under Rule 23(b) (2) consisting of current American Airlines, Inc. pilots who presently serve in the military and who: participate at some point in the AAG Global Profit Sharing Plan since its inception on January 1, 2016 through the date of judgment in this action; are employed in the

United States or are a citizen or national or permanent resident of the United States and employed in a foreign country while participants in the Plan; took or take short-term military leave in a year during which they were entitled to receive an award under the Plan; and were not credited or imputed earnings for this short-term military leave.

(b) Also for Count I, the court certifies a subclass under Rule 23(b)(3) consisting of former pilots of American Airlines, Inc. or pilots of American who are former members of the military who: participated at some point in the AAG Global Profit Sharing Plan since its inception on January 1, 2016 through the date of judgment in this action; were employed in the United States or were a citizen or national or permanent resident of the United States and employed in a foreign country while participants in the Plan; took short-term military leave in a year during which they were entitled to receive an award under the Plan; and were not credited or imputed earnings for this short-term military leave.

(c) For Count II, the court certifies a subclass under Rule 23(b)(2) consisting of those current American Airlines, Inc. pilots who presently serve in the military and who: participate at some point from January 1, 2016 through the date of judgment in this action in the AAG Global Profit Sharing Plan as well as the American Airlines, Inc. 401(k) Plan for Pilots and are subject to taxation in the United States; are employed in the United States or are a citizen or national or permanent resident of the United States and employed in a foreign country while participants in the AAG Global Profit Sharing Plan; took or take short-term military leave in a year during which they were entitled to receive an award under the AAG Global Profit Sharing Plan; and were not credited or imputed earnings for this short-term military leave.

(d) Also for Count II, the court certifies a subclass under Rule 23(b)(3) consisting of those former American Airlines, Inc. pilots or American pilots formerly in the military who: participated at some point from January 1, 2016 through the date of judgment in this action in the AAG Global

Profit Sharing Plan as well as the American Airlines, Inc. 401(k) Plan for Pilots and are subject to taxation in the United States; were employed in the United States or were a citizen or national or permanent resident of the United States and employed in a foreign country while participants in the AAG Global Profit Sharing Plan; took short-term military leave in a year during which they were entitled to receive an award under the AAG Global Profit Sharing Plan; and were not credited or imputed earnings for this short-term military leave.

- (e) For Count III, the court certifies a subclass under Rule 23(b)(2) consisting of all current American Airlines, Inc. pilots who presently serve in the military and took or take short-term military leave while employed at American at any time from January 1, 2013 through the date of judgment in this action and were not paid for that leave equal to what they would have received had they taken leave for jury duty or bereavement.
- (f) Also for Count III, the court certifies a subclass under Rule 23(b)(3) consisting of all

former American Airlines, Inc. pilots or American pilots formerly in the military who took short-term military leave while employed at American at any time from January 1, 2013 through the date of judgment in this action and were not paid for that leave equal to what they would have received had they taken leave for jury duty or bereavement

(3) Excluded from the class outlined above are those American Airlines, Inc. pilots responsible for administering the AAG Global Profit Sharing Plan and those American pilots who reached individual settlements with or judgments against AAG regarding inadequate profit sharing or against American for failure to compensate short-term military leave under the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § 4301 et seq.

BY THE COURT:

/s/ Harvey Bartle III

J.